

1 MILFORD PLANNING BOARD MEETING MINUTES ~ APPROVED

2 September 21, 2021 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman

6 Tim Finan, Vice Chairman

7 Paul Amato, Member

8 Pete Basiliere, Member

9 Janet Langdell, Member

10 Dave Freel, Selectmen's Rep

11 Elaine Cohen, Alternate

Staff:

Jason Cleghorn, Town Planner

Darlene Bouffard, Recording Secretary

Andy Kouropoulos, Videographer

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13 **Excused:**

14 Susan Robinson, Member

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16 This meeting was conducted pursuant to the State of New Hampshire Emergency Order #12 pursuant to
17 Executive Order 2020-04. As such, the meeting was conducted both online and in person.

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19 **1. Call to order:** Chairman D. Knott called the meeting to order at 6:30 p.m. indicating that tonight there are
20 four items on the agenda. This meeting is being conducted as a hybrid, both in person and via zoom. Chairman
21 Knott introduced Planning Board and staff members. Elaine Cohen, Planning Board Alternate, has been sworn in
22 and is also present this evening and will vote in the absence of Susan Robinson.

23
24 **2. Public Hearing(s):**

- 25 a) **Case SP2021-19 Rachel Dechane and Granite State Solar (owners/applicants).** Conditional
26 Use Permit review for a 721 sf and 14.24 kW residential solar array. The applicant is requesting
27 a waiver from Zoning Ordinance Section 7.11.5(B)(2) which requires the applicant to submit a
28 formal site plan. The parcel is located at 387 Savage Rd. and is located within the Residence "R"
29 zoning district. Tax Map 40 Lot 12.

30
31 T. Finan moved to accept the application for review. P. Basiliere seconded the motion. All were
32 in favor. J. Langdell moved no potential regional impact associated with this application. P.
33 Amato seconded the motion. All were in favor. J. Cleghorn read the abutters list. No abutters
34 were present in person or on zoom.

35
36 Rachel Dechane and Ian Dechane, owners, have been working with Eversource on this
37 connection. This array will provide 110% of their usage and that will take care of them in the
38 summer and have extra for winter coverage when there is less sunshine. The road cannot be seen
39 from the back field; there are old maple trees all around their house so it was determined the
40 array will be in the open field which makes sense rather than around the house where the trees
41 are. Rachel Dechane indicated that they are presenting the application tonight for themselves.
42 D. Knott said there is a letter from the solar company about the array so they support that no site
43 plan should be needed.

44
45 J. Langdell asked if there is a waiver form in the packet? J. Cleghorn does not believe there was
46 one completed. The waiver is for the array being over 500 square feet. D. Freel thought that was
47 discussed at the last solar application (that the sf would be changed)? T. Finan indicated that
48 type of change will take a while and needs to go through town vote. J. Cleghorn said the request
49 to waive the site plan can be part of the discussions, the Planning Board is just assessing if the
50 applicant meets the Current Use Permit (CUP) criteria. If there is not a Site Plan, you need to
51 see if they satisfy the CUP. Staff did not feel it was necessary to file a Site Plan for this
52 application, similar to the last solar application. J. Langdell said there are usually detailed
53 drawings submitted with the application. J. Cleghorn indicated the drawings in the packet are to
54 scale and are detailed. J. Langdell said a formal Site Plan is not necessarily required for solar. J.

Cleghorn said this application is for an array over 500 sf so it would require a Site Plan according to our regulations. The Planning Board did require a Site Plan at the last solar hearing, however it was felt by the Planning Board must be an impact to the residents to have a Site Plan for a solar array. D. Freel said if they were not over the 500 sf, they would not need the CUP either, but would they need a Site Plan? J. Cleghorn said staff feels we are going to continue to get these applications, until that requirement changes, the Planning Board decided to use the CUP instead of a Site Plan. D. Knott said if it is under 500 sf, does it make economical sense? Ian Dechane indicated this is just over what we are currently using, we would be under producing electricity if it were any smaller. P. Amato said this is not commercial, this is residential. J. Cleghorn said we are just making the best of the ordinance as it is currently written. P. Amato asked if the Board can grant a waiver if they filled it out? J. Cleghorn responded they requested a waiver of the Site Plan but Jason neglected to have them fill out the actual waiver form, but it was advertised as such. J. Langdell said if the Board looks at the CUP criteria, does that address this? J. Cleghorn answered that it does. D. Knott asked if that would set a precedent for future applications? J. Langdell said it still will come before the Planning Board. P. Amato does not agree that a Site Plan is required in the ordinance. J. Langdell said they are coming in under the CUP through staff recommendation, which requires a detailed sketch. D. Freel does not have a problem with this. P. Amato said the Planning Board needs to have a discussion with staff about how this will be done. This is different than the one we did one month ago.

P. Amato said it says Planning Board can do it with the CUP which is what they filled out. J. Cleghorn said he forgot there was a form to fill out for the waiver, but it was noticed properly in the newspaper. There is a form for the waiver that they need to fill out. D. Knott asked does the applicant now need to fill out that form? J. Cleghorn does not feel it is needed for a decision. D. Knott said that form should be filled out by the applicant, since it was in the newspaper. P. Amato said the form is not much different from the CUP. P. Basiliere said that the drawing on page 2 has a note that says the property line "according to the homeowner", has this been checked? J. Cleghorn indicated he has checked it using the town GIS system. Rachel Dechane responded that they have found the boundary marker and it is different than the tax maps. Ian Dechane added that the solar array is still within the boundaries. R. Dechane noted the solar array will be within the boundaries as the deed states. P. Amato said when the electrical permit is pulled, the applicant will need to prove it is not within the setback. J. Cleghorn suggested this be continued to the next meeting. The point brought up by P. Basiliere concerns J. Cleghorn; just because the boundary is depicted this way in the diagram does not mean it has to be done this way. Even if it is moved over, there is still plenty of room. P. Amato said the applicant just needs to make sure it is out of the set back. I. Dechane said they have found the pins, we just cannot see where they are on the map.

P. Basiliere asked will any trees or growth be removed to install this array? R. Dechane responded there will be no trees removed. D. Knott opened the public hearing and asked that abutters state their name and address first. Seeing no questions or comments from the public. D. Knott closed the public portion of the hearing. D. Knott stated there should be two separate motions.

P. Amato moved to grant the waiver for a full Site Plan (J. Cleghorn will help the applicant fill out the proper waiver form). T. Finan seconded. All were in favor of the motion, with J. Langdell abstaining.

P. Amato moved to grant the CUP. D. Freel seconded. All were in favor, with J. Langdell opposed to be consistent with the last case that came before the Planning Board, but she wishes the applicants well with this. Motion passed.

- b) **Case SD2021-10 Ronald Racicot and Fieldstone Land Consultants (owners/applicants).** Minor Subdivision review to subdivide Parcel Tax Map 14 Lot 10 into two lots, one .338 acres and the other 1.038 acres in property zoned Industrial "I". The property is located at 21 Old Wilton Rd.

P. Basiliere moved to accept the application for review. T. Finan seconded. All were in favor. J. Langdell moved no potential regional impact associated with this application. P. Amato seconded. All were in favor.

J. Cleghorn read the abutters list. Steve Foskett, 11 Old Wilton Road, was present in person. Nate Chamberlin, Fieldstone Land Consultants, was representing the applicant. This is a 1.4 acre parcel, the applicant would like to subdivide off the house portion of the property and have the other portion for a Commercial development. There is 125' of frontage; the commercial use will be to use the same access point, with an easement, for the residential use. The driveway will be used by both the residential use and the commercial use. The open space is met for both lots. Elaine Cohen, Planning Board Alternate, asked if there is anything currently located on the new lot? Nate Chamberlin responded no, there is nothing on the new lot. T. Finan asked if the town has a copy of the proposed easement? J. Cleghorn responded it does not, they are currently working on that now. P. Amato asked if the easement language is the only item outstanding? J. Cleghorn said that is correct. There were no further comments or questions from the Board.

D. Knott opened the hearing to the public. There were no comments or questions from the public. D. Knott closed the public hearing.

P. Amato moved to conditionally approve the subdivision subject to the easement language and documents being brought to the town for review and approval. T. Finan seconded for discussion. P. Basiliere asked what will the easement language say? P. Amato if they were to sell the lot to someone else, the resident could still use the driveway, all the driveway dimensions will be part of it. P. Basiliere said the paved drive is there today but will it be there after construction? N. Chamberlin said that is correct, the access path is the same and it will just be improved. P. Amato said they could have put another driveway in, but decided to use the same one. N. Chamberlin said there used to be another drive and now that is just a walkway. All were in favor of the motion.

- c) **Case SP2021-20 Ronald Racicot and Fieldstone Land Consultants (owners/applicants).** Major Site Plan review for a 4,500 s.f. warehouse building and associated site improvements at 21 Old Wilton Rd. The property is zoned Industrial "I". Tax Map 14 Lot 10.

P. Basiliere moved to accept the applicant for review. P. Amato seconded. All were in favor. J. Langdell moved no potential regional impact. P. Amato seconded. All were in favor.

N. Chamberlin explained the different layouts that were considered. This plan is for a 2-story building with a mezzanine. This is a warehouse-type use. There are 5 parking spaces required and we have 7 spaces. There is also a turnaround for tractor trailers. Matt Racicot, applicant is also here tonight and can answer questions. D. Knott is concerned with trucks backing into the dock. Matt Racicot cannot guarantee the sizes of the trucks that will come. N. Chamberlin said there is a 12' shed roof on the backside of the building. J. Cleghorn said staff was not aware of

that until just now. P. Amato indicated the elevations provided are not accurate, they are different than what is presented. The Planning Board wants what is presented to be what will be done and not have the applicant come into the meeting with something different. D. Freel asked what is the roof material? N. Chamberlin answered architectural shingles.

E. Cohen asked what the building will look like on Old Wilton Road? N. Chamberlin said there will be a cedar shakes look at the bottom and the top part and there will be shutters on the windows. J. Langdell asked how high is this at the peak? N. Chamberlin said it is about 35'. J. Langdell said the height does not show up on the drawings anywhere. P. Basiliere asked how you can come in with a plan without dimensions and not being able to state how tall it will be? D. Knott said there is no height on any drawings. P. Amato said because this is in the West End Overlay District, the Board needs more information on what the building will look like, including dimensions. N. Chamberlin said it is on there, but this is just a Site Plan. P. Amato said the applicant has to provide a drawing with dimensions to the Planning Board for review. J. Cleghorn said that staff was not aware of this lean-to roof in the back of the building. J. Langdell said these are items that need to be addressed for the West End Overlay District. P. Amato suggested this application be tabled until the next meeting. He does not feel the staff comments have been fully addressed and the West End Overlay District ordinance needs to be looked at (by the applicant) and the staff and Planning Board needs to have that information before the meeting occurs. P. Amato stated that all those items cannot be left for staff to approve, it needs to come in before the night of the meeting. P. Basiliere said any structural changes will affect the abutters as well. J. Langdell said if this will be tabled tonight, let's go through all the comments and questions so that they can get addressed before the next meeting.

D. Freel said the applicant should add the shed (lean-to) roof to the plan. P. Amato if there will be a fence, it should not be chain link, it should prevent abutters from seeing what is stored outside, this should be on the plan. D. Freel asked about the lighting, that appears to splash over on to the road. N. Chamberlin will look into the lighting, which should not be that bright, we can lower the lighting and he will check the lighting regulations. P. Amato said the landscaping on the plan still shows a red maple, but has that been removed? N. Chamberlin responded it is now gone. P. Amato said from the road, people can see into the backyard of the commercial building, because any newly planted trees will be very small, chain link fence can be seen through – the fencing should prevent this view. Something other than chain link would be better, this should be added to the plan. J. Cleghorn said the main concern with this project is the elevations, the West Elm Overlay District has additional criteria, staff feels the application falls short. For an industrial buildings, we are looking for something with some architectural features. P. Amato said when an industrial development is next to a residential use, you need to make it fit in. J. Langdell said you have to think of it as a neighborhood because there is a residential property right next door. N. Chamberlin said there are also a lot of other industrial developments next to residential developments. J. Langdell agreed stating that those industrial developments stepped up and addressed these requirements. P. Amato said there was an office and a room on the plan, is it a showroom? N. Chamberlin said there is no showroom in this building. There is no retail, they are keeping the downtown location for Son's Chimney.

The question was asked about required signage. N. Chamberlin said there are no signs proposed at this time. J. Langdell said there are some towns that have signs done at the Site Plan level and there are some plazas that have signs on the Site Plan. The sign(s) must comply with the sign ordinance to figure out how big is allowed. P. Basiliere has concerns on the outside storage area and why that won't be done as part of the building so it does not encroach on any setback? J. Cleghorn responded the storage of items does not need to meet the setback requirements. J. Langdell also added the town does not want any storage in the parking areas. P.

Amato asked if the two propane tanks will be buried? N. Chamberlin responded that they will be buried. P. Amato asked if the natural gas line goes that far? N. Chamberlin said it does not.

This is a 4500 square foot building, D. Knott indicated if there are two water mains required for sprinklers, those should be on the plan. J. Cleghorn said that comment would be more appropriate at the building permit level. P. Amato disagreed, stating the water mains need to be addressed at site plan but only certain types of buildings require sprinklers. J. Langdell thinks if the Fire Department requires sprinklers it would have been noted in the comments.

P. Basiliere asked about snow storage along Old Wilton Road, is that appropriate? N. Chamberlin responded it is adjacent to the loading zone along the road. D. Knott said that is not required, there should be a snow storage area depicted on the plan. P. Amato wants the detail of the fence and how it is going to look on the plan. J. Cleghorn said they should have the detail on the Site Plan. D. Knott indicated we need to see what it is going to look like. The Heritage Commission did have a request that this site was once an old tavern and if anything is found from that timeframe to please hold on to it and notify the Heritage Commission. P. Amato does not feel that this plan is ready for a decision. N. Chamberlin said the drainage from the previous design was felt to be consistent with the comments from DPW. J. Cleghorn will review the last submission of a site plan by Mr. Racicot to check the drainage reports to make sure they are consistent with the DPW comments. N. Chamberlin said the elevations and fence detail, final design details, etc. and requirements for the West End Overlay District will be included in the next submission. P. Amato suggested not to put things on the plan if you do not want to do them. P. Basiliere said there are too many un-answered questions at this point. J. Langdell said the average snow year, is there room for on-site storage on the side or should it have a note that snow will be removed off site? J. Langdell requested a note be added stating snow will be removed from the property.

Matt Racicot said he has read the West End Overlay District ordinance, but if there is a building that can be referenced for the design, that might be helpful. D. Knott said the Dollar General is a recent build in the district but it is retail, but they still went through the ordinance and made changes. J. Langdell said just because it is in the industrial zone, it does not need to be a flat roof metal box. We keep hearing how ugly the West End of Milford is. The items mentioned tonight will improve the appearance. D. Freel said there can be architectural features such as a cupola added, or something that will break up the size of the building. P. Amato said if you want to have a lean to out back, you can add that in the Site Plan for the next meeting.

Matt Racicot said the changes that were discussed take a while to get changed by the architect. P. Basiliere asked if this will be a custom building? Matt Racicot said it will be. Hearing no further comments or questions from the Board, D. Knott opened the public hearing. Steve Foskett, 11 Old Wilton Road, said his driveway gets flooded when it rains or snows. He wants to know if this will make it worse? N. Chamberlin said it will be improved because it will be graded and we can look at the grade to get the water away from that area. P. Amato asked if engineering has looked at drainage calculations? J. Cleghorn said yes, and the location of the structure in the right of way was a concern. Seeing no further comments, D. Knott closed the public portion of the meeting.

P. Amato moved to table this application to the October 19, 2021 Planning Board meeting. J. Cleghorn stated he needs everything two weeks prior to the meeting (October 5) in order to have time to review. P. Basiliere seconded. All were in favor.

3. Other Business:

- a) **Case SD2021-11 L&B Properties, LLC and Arthur Siciliano (owner/applicant).** Conceptual Review for a potential Major Subdivision with three development concepts. Parcel is located near the intersection of Burns Rd, and Osgood Rd and is 20.95 acres. The parcel is zoned Residence "R". Tax Map 41, Lot 38-1.

Mike Buffelli (L&B) and Arthur Siciliano (owners/applicants) were present for this application. Art Siciliano explained the lot is in the residential zone and the wetlands have been located. Of the 3 options originally submitted, Option 3 is the preferred layout of Milford Conservation Commission. The homes are proposed to be between 1500-1800 square feet. J. Cleghorn clarified that tonight is just a conceptual discussion and there were originally three concepts submitted; tonight we should give the applicants feedback on whether the Planning Board believes the conventional plan or the open space plan or the condominium plan –which path would be the best for this property so that they may continue on that path.

J. Cleghorn said initially it was believed the trails off of Burns Hill went through these properties, it was found that the trails are adjacent to this property. J. Langdell said the Board needs to look at the open space subdivision and other options to see which is preferred. P. Amato said no town roads will need to be put in. At one time the town allowed shared driveways but now we do not. J. Cleghorn said we are trying to balance Option 1 and Option 3. Initially he did not like the plans presented, but after speaking with L. Daley, they both agree that the Open Space plan is doable. Having a way in with a loop in and out can work. P. Amato said if you put in a road the homes will have to be bigger and more expensive. At one time, most of the Planning Board lived on shared driveways, and we need to be careful with what path we choose.

Mike Buffelli would like members of the Planning Board to go take a site walk to see the land. Mike Buffelli asked if covenants can be put in to keep trees from being cut. P. Amato said the scenic road ordinance only covers the town Right of Way. J. Langdell said there is some benefit to cutting trees to keep them healthy. Consensus of the Board is to come back with a plan with houses on their own driveways, but this is just a conceptual discussion.

b) **Planning Board Alternate:**

D. Freel moved to approve Elaine Cohen as a Planning Board Alternate. T. Finan seconded. All were in favor. Elaine was approved at the 9-13-21 BOS meeting to be sworn in as an Alternate through March 2024. All were in favor.

4. **Meeting Minutes:**

P. Amato moved to approve the Planning Board minutes of 8/3/21 as presented. P. Basiliere seconded. All were in favor with D. Knott and J. Langdell abstaining.

P. Amato moved to approve the Planning Board minutes of 8/17/21 as presented. P. Basiliere seconded. All were in favor.

5. **Adjournment.** The meeting was adjourned at 8:37 p.m. on a motion made by J. Langdell seconded by T. Finan. All were in favor. Motion passed unanimously.

Signature of the Chairperson/Vice-Chairperson: Date: _____

MINUTES OF THE 9/21/21 MEETING WERE APPROVED 10/19/21